

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SHEMAR DIJOHN BRADSHAW	§	
	§	
v.	§	CIVIL NO. 4:23-CV-87-SDJ
	§	
ALLEN POLICE DEPARTMENT	§	

**MEMORANDUM ADOPTING IN PART AND MODIFYING IN PART  
THE REPORT AND RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. The Magistrate Judge has entered proposed findings of fact and a recommendation (the “Report”), (Dkt. #27), that Defendant Allen Police Department’s Second Motion to Dismiss for Failure to State a Claim upon Which Relief Can Be Granted and Brief in Support, (Dkt. #22), be granted.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions contained in the Report should be **ADOPTED in part** and **MODIFIED in part**. The Court adopts the Report entirely with a slight modification to the Report’s discussion implicating the single-incident exception to the deliberate-indifference standard.


The Fifth Circuit has said that a plaintiff may establish deliberate indifference through the “extremely narrow” single-incident exception. *Hutcheson v. Dallas Cnty.*,

994 F.3d 477, 482 (5th Cir. 2021). This exception requires the plaintiff to “prove that the highly predictable consequence of a failure to train would result in the specific injury suffered.” *Id.* And it “is generally reserved for those cases in which the government actor was provided no training whatsoever.” *Id.* at 483. This clarification does not affect the outcome of this case.

The Court also dismisses this case *without* prejudice, rather than *with* prejudice.

It is therefore **ORDERED** that the Motion to Dismiss, (Dkt. #22), is **GRANTED**, and Plaintiff Shemar Dijohn Bradshaw’s claim against Defendant is **DISMISSED without prejudice**. Plaintiff is given leave to file an amended complaint no later than fourteen days after the entry of this Memorandum Adopting in Part and Modifying in Part the Report and Recommendation.

**So ORDERED and SIGNED this 11th day of March, 2024.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE